

SENATE BILL REPORT

SB 6504

As Reported By Senate Committee On:
Government Operations, February 1, 1996
Ways & Means, February 6, 1996

Title: An act relating to the state voters' pamphlet.

Brief Description: Restructuring laws on the voters' pamphlet.

Sponsors: Senators Fraser, McDonald, Haugen and Kohl; by request of Secretary of State.

Brief History:

Committee Activity: Government Operations: 1/31/96, 2/1/96 [DPS-WM].
Ways & Means: 2/6/96 [DPS (GO)].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 6504 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

Staff: Rod McAulay (786-7754)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6504 as recommended by Committee on Government Operations be substituted therefor, and the substitute bill do pass.

Signed by Senators Rinehart, Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, Moyer, Pelz, Quigley, Roach, Sheldon, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Staff: Steve Jones (786-7440)

Background: Preceding every general election in an even-numbered year, and preceding any general election in an odd-numbered year, if an election is to be held to fill a vacancy in the office of U.S. Senator or any state office elected on a statewide basis, the Secretary of State is required to publish and mail a Candidate's Pamphlet to each individual place of residence. Preceding any general election at which any initiative measure, referendum measure, or amendment to the state Constitution is to be submitted to the people, the Secretary of State is required to publish and mail a Voter's Pamphlet to each individual place of residence in the state. The two pamphlets must be consolidated into a single pamphlet whenever possible.

The format of the Voter's Pamphlet is prescribed and includes a space for statements made for and against a measure and rebuttals. For each measure, two committees of three persons are appointed to prepare the statements. Two members of each committee are appointed by an appointing committee consisting of the Secretary of State and the presiding officers of the Senate and the House. The two members of each committee then select a third. In the case of constitutional amendments and referendum bills, the appointing committee is required, if possible, to appoint legislators who either favored or opposed the bill to the appropriate committee. Each committee may appoint up to five additional persons to serve as a non-voting advisory committee.

The Secretary of State may reject statements submitted for ballot measures if they contain any obscene, vulgar, profane, scandalous, libelous, defamatory, or treasonable matter, or any language tending to provoke crime or a breach of the peace, or any language or matter which may not be circulated in the mails. A rejection may be appealed to a board of censors consisting of the Lieutenant Governor, the Attorney General and the Superintendent of Public Instruction which may decide the issue by majority vote.

For proposed amendments to the state Constitution the method for identifying deleted and new language is prescribed.

The Secretary of State is required to distribute two copies of the voter's pamphlet to each state officer, each member of a state board, each county officer, each judge of the supreme and superior courts, each public library, and each member of the Legislature. Three copies must be sent to each voting precinct in the state through the county auditors and to each educational, charitable, penal and reformatory institution of the state.

The Candidate's Pamphlet includes statements and photographs submitted to the Secretary of State by candidates for federal legislative and all state offices. Standards regarding the length of statements and age of photographs are prescribed. No provision is made for inclusion of statements or photographs of Presidential and Vice Presidential candidates.

The Secretary of State may reject candidate's statements which contain obscene, profane, libelous or defamatory matter or any language or matter which may not be circulated in the mails. A nominee may not submit a photograph showing the uniform or insignia of any organization which advocates or teaches racial or religious intolerance. A rejection of a statement or photograph may be appealed to a board of censors consisting of the Lieutenant Governor, the Attorney General and the Superintendent of Public Instruction. The decision of the board is final.

Nominees pay for their prorated space in the Candidate's Pamphlet and a fee schedule and page allocation based on the office is prescribed.

To the extent possible, the Secretary of State shall print and distribute Candidate's Pamphlets so that candidates will not appear in a pamphlet going to a county where such candidate is not to be voted for.

Summary of Substitute Bill: The provisions governing the publication and distribution of the state Voter's Pamphlets and state Candidate's Pamphlets by the Secretary of State are consolidated. A single Voter's Pamphlet, including both candidate and ballot measure

information is published and distributed to each household and to state and county officers and public libraries preceding any general election when at least one state-wide measure or office is scheduled to appear on the ballot. The Secretary of State must make the voter's pamphlet available on the Internet and the Washington Information Network.

The format for ballot measures includes both the ballot title and the legislative title, if any. A committee of the Secretary of State and the presiding officers of the Senate and House appoint two members of each committee to prepare statements for and against ballot measures, including referendum bills and state constitutional amendments. The appointing committee must consider, but need not appoint legislators to any of these committees. The initial two members of each committee may select up to four additional members.

Arguments prepared by committees for or against ballot measures may contain graphs and charts supported by factual statistical data and pictures or other illustrations, but not cartoons or caricatures. The Secretary of State may reject statements which contain obscene, profane, libelous, or defamatory material, or material prohibited from mail circulation. A rejection may be appealed to the Secretary of State, and the Office of Administrative Hearings must adjudicate the appeal under the Administrative Procedure Act.

Candidates are authorized to submit limited rebuttal statements.

Standards regarding the printing of amendments to the state Constitution, reflecting deletions and additions, are modified and made applicable to all ballot measures.

The Secretary of State is given broader discretion to establish, by rule, deadlines for submission of materials, and to determine the format and printing standards for the pamphlet.

The fee schedule for nominees to appear in the Voter's Pamphlet is repealed. Redundant sections of law are repealed.

Substitute Bill Compared to Original Bill: The substitute adds a requirement that the voter's pamphlet be available on the Internet and the Washington Information Network and that the Secretary of State provide the pamphlet in electronic form at cost. The substitute permits candidates to submit rebuttal statements. The substitute adds requirements for distribution of the explanatory statements prepared by the Attorney General for ballot measures.

Appropriation: Unspecified.

Fiscal Note: Requested on January 29, 1996.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For (Government Operations): Unworkable deadlines are eliminated. Appointment of committees to write pamphlet arguments is simplified. Cumbersome fee schedules are repealed. Distribution requirements are simplified.

Testimony Against (Government Operations): None.

Testified (Government Operations): PRO: Senator Fraser; Erica Aust, Office of Secretary of State; Don Whiting, Office of Secretary of State.

Testimony For (Ways & Means): None.

Testimony Against (Ways & Means): None.

Testified (Ways & Means): No one.